

ANALYSIS


The Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the case for a rehearing.” § 405(g). Remand is appropriate “if the reviewing court has no way of evaluating the basis for the ALJ’s decision,” but “[t]here are, however, exceptions to that [rule].” *Radford v. Colvin*, 734 F.d3 288, 295 (4th Cir. 2013). Where the case was old, the record had no need to be reopened, and the case had already been on appeal once before, remand was deemed unnecessary. *Breeden v. Weinberger*, 493 F.2d 1002, 011–12 (4th Cir. 1974).

This case was remanded over a year ago pursuant to § 405(g). The Commissioner argues that remand is again appropriate under the same statute, as it wishes to conduct further fact-finding. [D.E. 27 at 2]. The record in this case has been closed for years, plaintiff’s date last insured was December 31, 2009, and the case has already been remanded once at defendant’s request. Pursuant to its discretion under § 405(g), the Court therefore finds that remand at this early stage is inappropriate, and accordingly, defendant’s motion for remand is DENIED.

CONCLUSION

For the foregoing reasons, defendant’s motion is DENIED.

SO ORDERED, this 13 day of November, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE